

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

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Secretary to the Commission

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OPINION 1

The meaning of the word "indication" in
proviso (a) to Article 25 of the International
Code, as respects names published on, or
before, 31st December 1930

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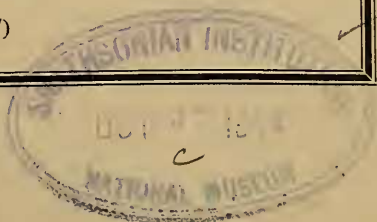
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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OPINION 1.

THE MEANING OF THE WORD "INDICATION" IN PROVISO (a) TO ARTICLE 25 OF THE INTERNATIONAL CODE, AS RESPECTS NAMES PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.

SUMMARY.—As respects names published on, or before, 31st December 1930,¹ the word "indication" in the proviso to Article 25 is to be construed as follows :—

(A) With regard to *specific*² names, an "indication" is :—

- (1) a bibliographic reference, or
- (2) a published figure (illustration), or
- (3) a definite citation of an earlier name for which a new name is proposed.

(B) With regard to *generic* names,

- (1) a bibliographic reference, or
- (2) a definite citation of an earlier name for which a new name is proposed, or
- (3) a definite citation or designation³ of a type species.

In no case is the word "indication" to be construed as including museum labels, museum specimens or vernacular names.

Editorial notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

NOTE 1.

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

¹ For an explanation of the reason why this *Opinion* applies only to names published on, or before, 31st December 1930, see NOTE 3 on pages 76 to 78.

² For a discussion regarding the sense in which the word "specific" is here used, see NOTE 4 on page 78.

³ The important distinction between the words "citation" and "designation" as here used is discussed in NOTE 5 on pages 79 to 82.

Blanchard; von Graff; Hoyle; Jordan (D. S.); Osborn; Stejneger; Stiles; and Studer.

3. The following seven (7) Members of the Commission were not present at the Boston Session of the International Commission and accordingly did not vote on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

NOTE 2.

This *Opinion* was first published on 18th October 1907 in *Science*, New York **26** : 522. It was next published in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of that Congress issued in 1912. In the meanwhile, it had been reprinted in July 1910 (*Smithsonian Publication* **1938** : 5) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

NOTE 3.

The subject dealt with in this *Opinion* was considered in greater detail by the International Commission on Zoological Nomenclature at their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology. As the result the International Commission recommended to the Congress that Article 25 of the International Code should be amended to include more precise provisions relating to the meaning to be attached to the expression "indication" by the addition of a new proviso to that Article (proviso (c)). The Commission recommended that this new proviso should apply only to names published after 31st December 1930, a period of over three years' grace being given thereby to enable authors to acquaint themselves with the new provisions. At the same time, the Commission recommended that the phrase "(prior to 1st January 1931)" should be inserted after the word "that" in the first line of proviso (a) to Article 25, thereby expressly indicating that up to that date the expression "indication" in relation to that proviso should continue to bear the meaning which applied to it prior to this amendment of Article 25. These amendments to Article 25 were approved by the Tenth International Congress of Zoology at the final Concilium Plenum held at Budapest on 10th September 1927, the last day of the Congress.

2. In the report which the International Commission submitted to the Tenth International Congress of Zoology, they stated (paragraph 91) that "As early as 1907 the Commission had under consideration the question whether it would not be wise to provide that no name should be admitted as available under the rules unless it were accompanied, either directly or through bibliographic reference, by a diagnosis or verbal characterization of the unit and that, further, no generic name should be recognized unless the proposing author gave also by original designation definite citation of the type species." After explaining the reasons which had prompted them to proceed with caution in this matter, the Commission stated that the time had, in their judgment, arrived when the sentiment of the zoological profession would support an amendment of the Code in this sense. The Commission accordingly recommended that Article 25 of the Code should be amended to read as follows ⁴ :—

ARTICLE 25. The valid name of a genus or of a species can be only that name under which it was first designated on the condition :—

- (a) that (*prior to 1st January 1931*) this name was published and accompanied by an indication, or a definition, or a description; and
- (b) that the author has applied the principles of binary nomenclature; *but*
- (c) *that no generic name nor specific name published after 31st December 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—*
 - (1) *with a summary of characters (seu diagnosis; seu definition; seu condensed description) which differentiate or distinguish the genus or the species from other genera or species; or*
 - (2) *with a definite bibliographic reference⁵ to such summary of characters (seu diagnosis: seu definition; seu condensed description); and further*
 - (3) *in the case of a generic name, with the definite unambiguous designation of the type species (seu genotype; seu autogenotype; seu orthotype).*

3. In the following paragraph (paragraph 105) of their report to the Congress, the International Commission gave the following additional particulars regarding the effect of the foregoing amendment, if approved by the Congress :—

105. In order to preclude misunderstanding, the Commission invites special attention to the point that Article 25 is not changed in its applica-

⁴ The words added to Article 25 by the amendment recommended by the International Commission are here printed in *italics*.

⁵ For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion* 138.

tion to generic and specific names published prior to 1st January 1931; but, effective at midnight between 31st December 1930 and 1st January 1931, Greenwich time, no name (1) based solely upon illustrations (figures), or (2) based solely upon bibliographic references to illustrations, or (3) based solely on the designation of a genotype or (4) proposed in anatomical, embryological, histological, morphological, pathological and physiological discussions, but (1, 2, 3, 4) without a summary of characters, is to be recognized *until* some author publishes a summary of characters defining the name, and under these conditions the later author (not the author who proposes the name without complying with the rules) becomes automatically the author of the name, unless the later author quotes the first author as authority.

4. The effect of the adoption by the International Congress of Zoology of the amendment to Article 25 set out in paragraph 2 above was that, as from midnight 31st December 1930/1st January 1931:—

- (a) the provisions of *Opinion* 1 applied only to names published on, or before, 31st December 1930; and
- (b) the more rigorous provisions contained in proviso (c) to Article 25 applied to names published on, or after, 1st January 1931.

5. In consequence of the above, the words “as respects names published on, or before, 31st December 1930” have been added to the title of *Opinion* 1 and at the beginning of the “summary” of that *Opinion*.

NOTE 4.

Article 2 of the International Code provides, *inter alia*, that “the scientific designation of animals is . . . binominal for species.” Thus the scientific designation of an animal consists of two words, which together constitute the “specific name” (nomen specificum) of the species. The first of these names, which is shared with all species regarded as congeneric, is the “generic name” (nomen genericum) of the species; the second of these names, which is peculiar to the species so named, is the “trivial name” (nomen triviale) of the species. Example: The name *Ursus arctos* was given to the Brown Bear by Linnaeus in 1758 (*Syst. Nat.* (ed. 10) 1: 47). The words “*Ursus arctos*” together constitute the “specific name” of the Brown Bear. The word “*Ursus*” is the “generic name” of that species; the word “*arctos*” is the “trivial name” of that species.

2. Formerly, the expression “specific name” was sometimes used loosely to denote the “nomen triviale” of a species, not-

withstanding the fact that strictly that expression should be reserved for use for the combination of generic and trivial names which together constitute the "specific name" of a species. It should be noted that the expression "specific names" was used in this loose sense in Section (A) of *Opinion* 1, where it is contrasted with the expression "generic names" in Section (B). As used in *Opinion* 1, the expression "specific names" is identical in meaning with the expression "trivial names," which would have been the more accurate expression to employ.

NOTE 5.

For *generic* names published in the period from 1st January 1758⁶ to 31st December 1930 (inclusive), *Opinion* 1 is of very great importance, since it contains the authoritative definition of the meaning of the expression "indication" as used in proviso (a) to Article 25 of the International Code. All generic names published during that period with a diagnosis, definition or description clearly were published with the necessary "indication" and *Opinion* 1 is concerned not with names falling in this class but with the very numerous *generic* names published on, or before, 31st December 1930 without either a diagnosis or a definition or a description. *Opinion* 1 lays down three tests by which such names are to be judged. A name which satisfies any one of these three tests satisfies also proviso (a) of Article 25; hence, if the author of such a name was an author who "applied the principles of binary nomenclature," the generic name in question is available nomenclatorially under the Code. It follows that every generic name published in the period in question which fails to satisfy one or other of the three tests laid down in *Opinion* 1 is unavailable under the Code until such later date as that name is republished in circumstances which satisfy the provisions of *Opinion* 1.

2. A very large number of generic names in practically every branch of the Animal Kingdom was published without diagnosis, definition or description in the period 1st January 1758 to 31st December 1930. Every such name must be judged by the tests laid down in *Opinion* 1 before it can be accepted as available nomenclatorially under the Code. It is necessary therefore to study closely the three tests here in question.

3. *Test* (1) is that there should be published with the new generic

⁶ For the acceptance of 1st January 1758, as the starting point of zoological nomenclature, see *Opinion* 3.

name "a bibliographic reference." Such a reference to a diagnosis, definition or description in a previously published work is equivalent to the publication with the new generic name of the diagnosis, definition or description given in the work to which reference is made. The application of this test presents therefore no difficulty.

4. *Test* (2) is that there should be published with the new generic name "a definite citation of an earlier name for which a new name is proposed." This test applies therefore to a name proposed as a earlier name regarded (either rightly or wrongly) as unavailable nomenclatorially by the author who published the new name.

5. *Test* (3) is that there should be published with the new generic name "a definite citation or designation of a type species." It is necessary here to note that *Test* (3) is divided into two parts and that a new generic name satisfies this *Test* if it satisfies *either* of these parts. The first part is the "definite citation . . . of a type species"; the second part is the "definite . . . designation of a type species." The meaning of the expression "definite designation" of a type species calls for no comment, since there is no possible doubt as to its meaning.

6. The expression "definite citation" of a type requires more careful examination. In the absence of express provision to the contrary, it might be argued that in this connection the expression "citation" was synonymous with the expression "designation" and that the use of these two expressions in *Test* (3) was no more than a piece of legalistic verbiage. On the other hand, it could be held that these two expressions were used in juxtaposition in order to draw attention to two contrasted, though allied, meanings; and that the expression "citation" of a type was inserted to cover those cases where the type of a genus is "accepted solely upon the basis of the original publication," i.e. the cases covered by Article 30(I) of the Code, other than cases (a) and (b), which are concerned with cases where the type is determined "by original designation." Under this interpretation, the expression "citation" of a type species covers cases where an author gives no diagnosis, definition, or description and designates no species as the type but *either* places one species only in the genus (which is therefore the type by monotypy), *or* places in the genus a species possessing the generic name as its specific or subspecific name (either as a valid name or as a synonym), which is therefore the type "by absolute tautonymy." According to this view, the word "designation" of a type of a genus as used in *Opinion* I

refers to the processes described in sub-paragraphs (a) and (b) of Article 30(I), while the word "citation" as there used refers to the processes described in sub-paragraphs (c) and (d) of that part of Article 30.

7. *Opinion* 1 would have been open to serious criticism on the ground of ambiguity if the Commission had failed to make clear in which of these two ways the expression "citation" (as used in that *Opinion*) is to be interpreted. Fortunately, any doubts which might have arisen on this subject are completely set at rest by the Commission's discussion in *Opinion* 17 relating to the genera published by Weber, 1795, *Nomenclator entomologicus secundum Entomologiam systematicam ill. Fabricii adjectis speciebus recens detectis et varietatibus*. In that discussion the Commission took as an example the new generic name *Orithuja* published by Weber in that work (:93). The data so cited consist of the words "*ORITHUJA mammilaris* (Cancer F.)." As regards this, the Commission stated: "This clearly means that *mammilaris* is the *Cancer mammilaris* as given by Fabricius in his *Entomologia systematica* and as *Orithuja* is cited with only one species, *Orithuja* is a monotypic genus, hence it is given with a definite "citation or designation of a type species," therefore it is published in accordance with the provisions of Article 25 and must be considered." A little further on in the same discussion the Commission took as an example the name *Pallinurus* Weber, 1795 (:94)⁷ for the purpose of showing that, where an author includes in a new genus only one described species, the genus is monotypical, even if that author also cites under that genus one or more manuscript trivial names. The Commission pointed out that a new generic name so published is available under the International Code, even if its author gave no diagnosis or description, since the name complies with the requirements of *Opinion* 1, as the author of the name gave a "citation" of a type for the genus within the meaning of the expression "citation" as used in that *Opinion*.

8. When, therefore, *Opinion* 1 is read with *Opinion* 17, it becomes absolutely clear that the first-named *Opinion* lays it down that any generic name published in the period 1st January 1758 to 31st December 1930 (both dates inclusive) without a diagnosis,

⁷ The actual example selected by the Commission in *Opinion* 17 (namely the name *Pallinurus* Weber) to exemplify the point which they wished to make was an unfortunate choice, since, in fact, Weber included two, not one, described species in the genus *Pallinurus* Weber. See NOTE 6 on page 82.

definition or description or a bibliographical reference thereto must be considered nomenclatorially if its type is "accepted solely upon the basis of the original publication" (Article 30(I), i.e. if the type is fixed "by original designation" (sub-paragraphs (a) and (b)), or if the genus is "monotypical" (sub-paragraph (c)), or if the type is fixed "by absolute tautonymy" (sub-paragraph (d)). It follows that any such name, if not a homonym or a synonym of some previously published name, is available nomenclatorially under the Code, provided that it was published by an author who "applied the principles of binary nomenclature" (proviso (b) to Article 25). Conversely, any new generic name published in the above period (i) without a diagnosis, definition or description or a bibliographical reference thereto and (ii) with two or more published species, none of which (a) is designated as the type or (b) has a name tautonymous with the generic name, is unavailable nomenclatorially under the Code. A name so rejected is a *nomen nudum*, that is to say: it has no status (and therefore no availability) as from the date on which it was so published and any subsequent author is free to republish the name in question in any sense that he may choose. A name so republished is available under the Code as from the date of its republication, provided that it complies with the requirements of Article 25.

NOTE 6.

As explained in paragraph 7 of NOTE 5 above,⁸ the International Commission in *Opinion 17* took the name *Pallinurus* Weber, 1795 (*Nomencl. ent. Fabric.*: 94) as an example of a generic name which an author published as a new name without diagnosis, definition or description or a bibliographical reference thereto and in which the author had placed only one described species, though he added also the manuscript trivial names of one or more other species.

2. An examination of Weber's *Nomenclator* shows that the statement that he included the name of only one described species in the genus *Pallinurus* is incorrect. Weber considered that there were four species referable to this genus, not three as stated in *Opinion 17*. Of the trivial names given by Weber for these species, the second and third were manuscript names, namely *ornatus* (not mentioned in *Opinion 17*) and *fasciatus*. The fourth name was *Pallinurus quadricornis*, which (as stated in *Opinion 17*) was a nom.

⁸ See page 81.

nov. pro *Astacus elephas* Fabricius, 1787, *Mantissa Ins.* 1 : 331. The trivial name of the first of the species cited by Weber under the generic name *Pallinurus* is "*Homarus* S.", the letter "S" standing for the "Supplementum" of Fabricius, which was then in manuscript and was actually published three years later in 1798. The trivial name "*homarus*" given by Weber is not (as stated in *Opinion* 17) a manuscript name of Weber's but undoubtedly stands for the species *Cancer homarus* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 633, which, on two occasions prior to the publication of Weber's *Nomenclator*, Fabricius had placed in the genus *Astacus*, the genus in which he again placed this species in his "Supplementum" (Fabricius, 1798, *Suppl. Ent. syst.* : 400). The two previous occasions were Fabricius, 1775, *Syst. Ent.* : 414 and 1793, *Ent. syst.* 2 : 479. It should be noted that Weber expressly stated in a marginal note (: 94) that the genus *Pallinurus* represented part of the genus "*Astacus* F."

3. Thus, *Pallinurus* Weber, 1795, is not (as stated in *Opinion* 17) a monotypical genus. In view therefore of the fact that Weber did not give for this genus a diagnosis, definition or description or a bibliographical reference to such a diagnosis, definition or description and did not either designate or cite a type for the genus, the name *Pallinurus* Weber fails to satisfy the requirements of *Opinion* 1 and cannot be regarded as having been published with an "indication" within the meaning of proviso (a) to Article 25 of the International Code. Accordingly, the name *Pallinurus* Weber, 1795, is unavailable under the Code. The same name with the slightly different spelling *Palinurus* is, however, available for this genus as from 1798, when it was published by Fabricius (1798, *Suppl. Ent. syst.* : 376, 400-401). A long description of the genus was given by Fabricius on page 376 but he there cited no species. On page 400, however, he gave a short diagnosis of the genus, accompanied, on that page and page 401, with descriptions of species.

4. It is unfortunate that the name *Pallinurus* Weber, 1795, should have been chosen as an illustration of a genus which was monotypical by reason of the fact that, of two or more species included by the original author, only one had a published trivial name, the others having only manuscript trivial names. As an example, the case of *Pallinurus* Weber is now seen to be defective; but this fact in no way detracts from the force of the proposition which the Commission were seeking (in *Opinion* 17) to illustrate, namely that, if an author, when publishing the name of a new

genus, includes in that genus any number of manuscript trivial names but only one described species, the genus is monotypical; that, in such a case the author had "cited" a type species for the genus within the meaning of Section (B)(3) of *Opinion 1*; and therefore that, even if the author gave no diagnosis, or definition or description of the genus and cited no bibliographical reference to any such diagnosis, definition, or description, the generic name so published satisfies the requirements of proviso (a) of Article 25 of the International Code and is available nomenclatorially under the International Code, unless it is unavailable by reason of being either a homonym or a synonym of a previously published generic name.

5. For the reason explained in paragraph 4 of NOTE 3 above,⁹ the proposition discussed above is valid only in respect of generic names published in the period up to, and including, 31st December 1930, the last day prior to the coming into operation of the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in September 1927.

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21st November 1943.

⁹ See page 78 above.

THE PUBLICATIONS OF THE COMMISSION.

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Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of :—

- (a) proposals on zoological nomenclature submitted to the Commission for deliberation and decision ;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above : and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

Three Parts have so far been published : Part 1 (introductory, including an account of the functions and powers of the Commission and a summary of the work so far achieved) ; Part 2 (relating to the financial position of the Commission) ; Part 3 (containing the official records of the decisions taken by the Commission at their meeting at Lisbon in 1935).

Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

Volume 1 will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-12 (containing *Declarations* 1-9 and *Opinions* 1-3) have now been published.

Volume 2 commences with *Declaration* 10 and *Opinion* 134. Parts 1-25 (containing *Declarations* 10-12 and *Opinions* 134-155) have so far been published. The titles of these *Opinions* are given on the wrappers to Parts 1 and 2 of the *Bulletin*. Other Parts will be published shortly.

AN URGENT APPEAL FOR A FUND OF £1800 TO ENABLE THE INTERNATIONAL COMMISSION TO CONTINUE ITS WORK

The International Commission on Zoological Nomenclature urgently appeal for grants to the above Fund to Museums, Research Institutes and other Institutions concerned with any branch of zoology ; to Learned Societies and Associations concerned with any aspect of zoology ; to Institutions and Learned Societies in the fields of Agriculture, Horticulture, Medicine and Veterinary Science, all of whom have a direct interest in that portion of the work of the Commission which is concerned with the stabilisation of Zoological Nomenclature ; to University and other Departments engaged in the teaching of zoology as being directly interested to secure stability in the scientific nomenclature used in biological text-books ; and to every individual zoologist who may be in a position to contribute to the funds of the Commission. Full particulars of the purposes for which the above Fund is required are given in Part 2 of the *Bulletin of Zoological Nomenclature*.

Contributions of any amount, however small, will be most gratefully received. They should be addressed to the Commission at their Publications Office, 41, Queen's Gate, London, S.W.7. Bankers' drafts, cheques, and Postal Orders, should be made payable to the "International Commission on Zoological Nomenclature" and crossed "Account payee. Coutts & Co."